

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

JUXTACOMM TECHNOLOGIES, INC.,	§	
	§	
Plaintiff and	§	Civil Action No. 2:07-CV-359-LED
Counterclaim Defendant,	§	
	§	
v.	§	
	§	JURY TRIAL DEMANDED
ASCENTIAL SOFTWARE CORPORATION,	§	
<i>et al.</i>	§	
	§	
Defendants and	§	
Counterclaim Plaintiffs.	§	

IBM'S REBUTTAL TRIAL WITNESS LIST

Defendants International Business Machines Corporation and Ascential Software Corporation (collectively, "IBM"), pursuant to the Court's Docket Control Order, identify and categorize the following trial witnesses that they will call or that they may call in rebuttal to JuxtaComm's presentation of evidence at the trial scheduled to commence on November 9, 2009: all individuals identified and categorized on IBM's Trial Witness List (Docket No. 639).

IBM also reserves the right to call any witness identified on JuxtaComm's Trial Witness List (Docket No. 640), or on Microsoft's Trial Witness List (Docket No. 641). IBM also reserves the right to call any witness appearing on any rebuttal trial witness lists of JuxtaComm or Microsoft. IBM includes in this Rebuttal Trial Witness List individuals who may be listed on JuxtaComm's opening and rebuttal witness lists without waiving any right to object to JuxtaComm's presentation of such witnesses at trial, without waiving any objections to the admissibility of any such testimony, and without waiving the right to move for the exclusion of any testimony.

In addition, JuxtaComm has identified a number of witnesses on its Trial Witness List (Docket No. 640) who are not listed in any of the parties' Rule 26 disclosures, and who have not been deposed in this case. IBM reserves all rights with respect to these witnesses, including the right to object to JuxtaComm's presentation of such witnesses at trial and the right to designate rebuttal trial witnesses with respect to these witnesses once the subject matter of their proposed testimony is disclosed to IBM.

IBM reserves the right to amend and/or supplement this list to the extent permitted by the Federal Rules of Civil Procedure, by the Local Rules, or by other Order of this Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Albritton", is written over a horizontal line.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this Disclosure of Asserted Claims and Infringement Contentions was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Pursuant to Fed. R. Civ. P. 5(a)-(d) and Local Rule CV-5(b)(2), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 18th day of August, 2009.

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

Eric M. Albritton